



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/688,067

10/16/2003

Thomas Lemmons

2050.086US1

8136

44367

7590

12/10/2008

SCHWEGMAN, LUNDBERG & WOESSNER/OPEN TV

P.O. BOX 2938

MINNEAPOLIS, MN 55402-0938

EXAMINER

THOMAS, JASON M

ART UNIT

PAPER NUMBER

2423

MAIL DATE

DELIVERY MODE

12/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,067	Applicant(s) LEMMONS, THOMAS	
	Examiner Jason Thomas	Art Unit 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/23/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 23, 2008, have been fully considered but they are not persuasive.

Applicant asserts that Hendricks fails to teach "storing said list of addresses of said targeted information at a viewer's location" but rather only teaches where the targeted advertisement is broadcast to and stored within the memory of the set top terminal (col. 34, ll. 63-68). While it is true that Hendricks does teach wherein the targeted advertisement is stored in the memory of the set top terminal, contrary to applicant's assertion, Hendricks also teaches wherein the switching plan is also sent to the set top terminal from the operations center or cable headend (see [col. 34, ll. 65-68], [cols. 3-4, 60-5] where the switching plan is a list which contains the addresses of targeted information in the form of channel numbers and memory storage locations). The references provided show that the switching plan is used to behave like an ad playbill for a local set top terminal rather than the operation center in that, the switching plan, is sent to the memory of the set top terminal and when called upon it, like the ad playbill it "specifies which particular advertisement is to be aired... and the location of the advertisement in storage" but in this case retrieves the targeted advertisements stored in the memory of the set top terminal (see [col. 33, ll. 37-40] for the operation of the ad playbill in light of [col. 34, ll. 65-68]). Because the targeted

information is stored in the memory of the set top terminal, rather than being on a feeder channel and switched to as normal, it is necessary for some form of an address list to be used to recall from the memory stored advertisements since "the need for feeder channels is eliminated"; this list is fulfilled in the use of the switching plan (see [col. 34, ll. 60-68]). The address list to be used is sent to the set top terminal in the form of system-specific "switching plans [which] are still provided to the set top terminals" for the purpose of controlling the insertion of the locally stored targeted information (see [col. 34, ll. 60-68]; see also [cols. 3-4, 60-5] where advertisements are stored in the memory of the set top terminal and played during the appropriate program breaks). Based on the information provided in the specification it is evident that Hendricks thus teaches, "storing said list of addresses of said targeted information at a viewer's location."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 8, 11, 16-18, 20-23, 25, 26, and 28 are rejected under 35

U.S.C. 102(b) as being anticipated by Hendricks et al., U.S. Patent No. 6,463,585 B1 (hereinafter Hendricks).

Regarding claim 1: Hendricks discloses a method of using a trigger in a video stream to access preferred information for displaying targeted information with a video signal comprising: obtaining said preferred information (see [col. 4, ll. 12-16], [col. 5, ll. 7-11], [col. 58, ll. 10-16], [col. 66, ll. 37-40] for using demographic information and preference information such as viewing habits); storing said list of addresses of said targeted information at a viewer's location (see [col. 34, ll. 60-68], [cols. 3-4, ll. 60-5], [abstract] where under normal operation switching plans instruct terminals to switch to feeder channels to retrieve advertisements but when targeted advertisements are stored on the set top terminal it is necessary for the switching plan to recall the advertisements from a particular location (address) in the set top terminal memory); obtaining a list of addresses of said targeted information (see [col. 31, ll. 28-41], [col. 31, ll. 43-46], [col. 72, ll. 53-63] where a list of advertisement/promotional material is obtained; see also [col. 33, ll. 37-40] where the advertisements are linked by address for future retrieval); receiving said trigger (see [col. 4, ll. 43-53], [col. 6, ll. 1-22] for receiving a switching plan which contains multiple triggers); selecting an address from said list of addresses of said targeted information based upon said trigger and said preferred information (see [col. 31, ll. 28-53], [col. 33, ll. 37-40], [col. 58, ll. 10-23], [col. 66, ll. 37-40], [col. 68, ll. 48-53] where user information and designations made by the switching plan are used to determine which addressed commercial will be selected); obtaining said targeted information using said address (see [col. 33, ll. 37-42] where the targeted information is

retrieved using an address referred to herein as a storage location); combining said targeted information with said video signal for display (see [col. 5, ll. 56-67], [col. 7, ll. 2-5] where default targeted information is embedded into the program stream, [col. 33, ll. 24-29], [col. 33, ll. 37-42], [col. 61, ll. 38-42], [col. 72, ll. 53-57] for targeted information which is combined with the primary program signal).

Regarding claims 2 and 23: Hendricks discloses storing said preferred information at a said viewer's location (see [col. 6, ll. 23-37], [col. 66, ll. 37-40] for storing viewer information locally).

Regarding claims 4 and 25: Hendricks discloses storing said preferred information at an upstream source (see [col. 18, ll. 12-15], [col. 33, ll. 31-32], [col. 41, ll. 12-18], [col. 42, ll. 65-66], [col. 44, ll. 8-30], [col. 58, ll. 10-16] for viewer data stored at an upstream source).

Regarding claims 8, 14 and 28: Hendricks discloses all of the limitations of claim 1 including wherein said step of combining further comprises: generating a targeted video signal from said targeted information (see [col. 33, ll. 38-40] where target information is maintained; see also [col. 33, ll. 24-29], [col. 61, ll. 38-42], [col. 72, ll. 53-57] where a targeted video signal is generated from targeted information (location data) and inserted on a feeder channel); and combining said targeted video signal with said video signal to generate a combined video signal (see [col. 5, ll. 56-67], [col. 7, ll. 2-5] where default targeted information is embedded into the program stream, [col. 33, ll. 24-29], [col. 33, ll. 37-42], [col.

61, ll. 38-42], [col. 72, ll. 53-57] for targeted information which is combined with the primary program signal).

Regarding claim 11: Hendricks discloses a method of using a trigger from a group of multiple triggers that are associated with a video signal to access preferred information for display of targeted information with a video signal, the method comprising: obtaining said preferred information (see [col. 4, ll. 12-16], [col. 5, ll. 7-11], [col. 58, ll. 10-16], [col. 66, ll. 37-40] for using demographic information and preference information such as viewing habits); obtaining a list of addresses of said targeted information (see [col. 31, ll. 28-41], [col. 31, ll. 43-46], [col. 72, ll. 53-63] where a list of advertisement/promotional material is obtained; see also [col. 33, ll. 37-40] where the advertisements are linked by address for future retrieval); storing said list of addresses of said targeted information at a viewer's location (see [col. 34, ll. 60-68], [cols. 3-4, ll. 60-5], [abstract] where under normal operation switching plans instruct terminals to switch to feeder channels to retrieve advertisements but when targeted advertisements are stored on the set top terminal it is necessary for the switching plan to recall the advertisements from a particular location (address) in the set top terminal memory); receiving said multiple triggers (see [Table D and Table F] where multiple triggers are embedded in the switching plan; see also [col. 4, ll. 43-53], [col. 6, ll. 1-22] for receiving a switching plan which contains multiple triggers); selecting an address from said list of addresses by comparing said multiple triggers with said preferred information (see [Table D and Table F] where multiple

triggers are embedded in the switching plan; see also [col. 31, ll. 28-53], [col. 33, ll. 37-40], [col. 58, ll. 10-23], [col. 66, ll. 37-40], [col. 68, ll. 48-53] where user information and designations made by the switching plan are used to determine which addressed commercial will be selected); obtaining said targeted information using said address (see [col. 33, ll. 37-42] where the targeted information is retrieved using an address referred to herein as a storage location); combining said targeted information with said video signal for display (see [col. 5, ll. 56-67], [col. 7, ll. 2-5] where default targeted information is embedded into the program stream, [col. 33, ll. 24-29], [col. 33, ll. 37-42], [col. 61, ll. 38-42], [col. 72, ll. 53-57] for targeted information which is combined with the primary program signal).

Regarding claim 16: Hendricks discloses all of the limitation of claim 11, further comprising: storing said preferred information (see [col. 6, ll. 23-37], [col. 66, ll. 37-40] for storing viewer information locally; see also [col. 18, ll. 12-15], [col. 33, ll. 31-32], [col. 41, ll. 12-18], [col. 42, ll. 65-66], [col. 44, ll. 8-30], [col. 58, ll. 10-16] for viewer data stored at an upstream source).

Regarding claim 17: Hendricks discloses a system for displaying targeted information with a video stream comprising: a trigger embedded in said video stream (see [col. 6, ll. 7-20], [col. 28, ll. 2-8], [col. 33, ll. 19-23], [col. 33, ll. 44-46], [col. 77 line 5], [col. 78 line 4] for embedding the switching plan which contains triggers in the video stream); a decoder that separates said trigger from said video stream (see [col. 28 line 9-10], [col. 33, ll. 65-66] where the trigger

carrying package is decoded from the program signal); preferred information storage that stores preferred information (see [col. 4, ll. 2-5] for the television terminals used as the preferred storage of preferred information in the form of targeted advertisements; see also [col. 20, ll. 4-35], [col. 21, ll. 8-11] for the use of the set top terminal as the preferred storage where preferred information is stored; see also [col. 59, ll. 52-58] for a local storage or memory device being used as a preferred storage location for preferred information in the form of the subscriber's program access history or preferred programs as indicated by their access history); address storage that stores a plurality of addresses of said targeted information (see [col. 31, ll. 28-41], [col. 31, ll. 43-46], [col. 72, ll. 53-63] where a form of address storage or list maintains the information necessary (location) to select and air targeted information in the form of advertisement/promotional material from a predefined location; see also [col. 33, ll. 37-40] where the advertisements are linked to a particular location in storage also known as a storage address) wherein said address storage is located at a viewer's location (see [col. 34, ll. 60-68], [cols. 3-4, ll. 60-5], [abstract] where under normal operation switching plans instruct terminals to switch to feeder channels to retrieve advertisements but when targeted advertisements are stored on the set top terminal it is necessary for the switching plan to recall the advertisements from a particular location (address) in the set top terminal memory); a processor that selects at least one address from said plurality of addresses based upon said trigger and said preferred information and obtains

said targeted information using said address (see [col. 31, ll. 28-53], [col. 33, ll. 37-40] for the selection of a particular address containing a particular advertisement; see also [col. 58, ll. 10-23], [col. 66, ll. 37-40], [col. 68, ll. 48-53] where user information and designations made by the trigger containing switching plan determines which addressed commercial will be selected; see also [col. 33, ll. 37-42] where the targeted information is retrieved using an particular location also referred to as a storage address or storage location; see also [figures 33 and 34], [col. 61, ll. 30-34] it is well know that some form of processing mechanism would be used to accomplish the task listed above); a combiner that combines said targeted information with said video signal for display (see [col. 5, ll. 56-67] for a combiner referred to as a spot placement engine which embeds default targeted information in the form of an advertisement in the video signal or program stream; see also [col. 7, ll. 2-5] where default targeted information is placed or embedded into the program stream, [col. 33, ll. 24-29], [col. 33, ll. 37-42], [col. 61, ll. 38-42], [col. 72, ll. 53-57] for targeted information which is combined with the primary program signal by means of a combiner referred to herein as an insertion component).

Regarding claim 18: Hendricks discloses a video combiner that combines video signals to generate a combined video signal (see [col. 5, ll. 56-67] for a targeted video advertisement which is combined with the program stream; see also [col. 7, ll. 2-5] where a default targeted advertisement video is placed or embedded into the program stream, [col. 33, ll. 24-29], [col. 33, ll. 37-

42], [col. 61, ll. 38-42], [col. 72, ll. 53-57] for a targeted advertisement which is combined with the primary program signal by means of a combiner referred to herein as an insertion component. The advertisement mentioned is equivalent to a video signal).

Regarding claim 20: Hendricks discloses wherein said decoder, said preferred information storage, said address storage, said processor and said combiner are all located at a viewer's location (for a decoder see [col. 6, ll. 11-13], [col. 15, ll. 17-23], [col. 28 line 9-10], [col. 33, ll. 65-66] for a device at the viewer's location capable of decoding; for a preferred information storage see [col. 4, ll. 2-5] for the television terminals used as the preferred storage of preferred information in the form of targeted advertisements; see also [col. 20, ll. 4-35], [col. 21, ll. 8-11] for the use of the set top terminal as the preferred storage where preferred information is stored; for address storage see [col. 34, ll. 63-68], [col. 33, ll. 37-40] for target information which is stored within the memory of the set top terminal and its retrieval by means of a local storage location or address for future airing; for a processor see [figures 33-35 item 602], [col. 61, ll. 30-34] for a processing device; furthermore it is well known in the art that some form of processing mechanism would necessarily be included in a set top terminal to accomplish the procedures described; for a combiner see [figure 34 item 604], [figure 35 item 316] for a device which combines at the viewers location; furthermore it is well known in the art that some form of combining device would

be used and necessary for the display of the advertisement within the program stream).

Regarding claim 21: Hendricks discloses wherein said decoder, said preferred information storage, said address storage, said processor and said combiner are all located at an upstream source (for a decoder see [col. 33, ll. 44-46], [col. 33, ll. 57-61], [col. 61, ll. 20-34], [col. 61, ll. 57-67] where decoding device is located at the headend and separates trigger information from the video/audio stream; for a preferred information storage see [figure 23 and 24 item 314], [col. 66, ll. 30-35], [col. 66, ll. 37-51] for preferred information obtained from profile information stored in the network control database, [col. 44, ll.12-18] preferred information on the marketing and customer information database; for address storage see [col. 31, ll. 28-32], [col. 33, ll. 37-40] for a list of targeted information which maintains the locations of said information in storage in the operations center; for a processor see [col. 5, ll. 52-60], [col. 27, ll. 39-50], [col. 31, ll. 28-32], [figure 4 item 264] for a processor at the operations center; for a combiner see [col. 53 line 54 - col. 54 line 3].

Regarding claim 22: Hendricks discloses a method of using triggers in a video stream to access preferred information for displaying targeted information with a video signal comprising : obtaining said preferred information; receiving said triggers (see [col. 4, ll. 43-53], [col. 6, ll. 1-22] for receiving a switching plan which contains multiple triggers; see also [Table D and Table F] where multiple triggers are embedded in the switching plan); comparing said triggers to said

preferred information (see [Table D and Table F] where multiple triggers are embedded in the switching plan; see also [col. 31, ll. 28-53], [col. 33, ll. 37-40], [col. 58, ll. 10-23], [col. 66, ll. 37-40], [col. 68, ll. 48-53] where user information (preferred information) and designations made by the switching plan are used to determine which addressed commercial will be selected based upon matching or targeting); selecting addresses from said triggers that correspond to said preferred information (see [col. 31, ll. 28-53], [col. 33, ll. 37-40], [col. 58, ll. 10-23], [col. 66, ll. 37-40], [col. 68, ll. 48-53] where user information and designations made by the switching plan determine which addressed commercial will be selected to properly target the information); storing said addresses at a viewer's location (see [col. 34, ll. 60-68], [cols. 3-4, ll. 60-5], [abstract] where under normal operation switching plans instruct terminals to switch to feeder channels to retrieve advertisements but when targeted advertisements are stored on the set top terminal it is necessary for the switching plan to recall the advertisements from a particular location (address) in the set top terminal memory); obtaining said targeted information using said addresses (see [col. 33, ll. 37-42] where the targeted information is retrieved using an address referred to herein as a storage location); combining said targeted information with said video signal for display (see [col. 5, ll. 56-67], [col. 7, ll. 2-5] where default targeted information is embedded into the program stream, [col. 33, ll. 24-29], [col. 33, ll. 37-42], [col. 61, ll. 38-42], [col. 72, ll. 53-57] for targeted information which is combined with the primary program signal).

Regarding claim 26: Hendricks discloses the method of claim 4 further comprising storing said targeted information at said upstream source (see [figure 4 item 267], [figure 11 item 266], [col. 42, ll. 24-26], [col. 48, ll. 54-63]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 7, 12, 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. in view of Dudkiewicz et al. (U.S. Patent No. 6,973,665 B2).

Regarding claims 6 and 12: Hendricks does not explicitly teach storing said list of addresses by category and identification information; storing said preferred information by category information; and determining category and identification information of said trigger.

Dudkiewicz teaches storing list of addresses by category and other identifying information (see [col. 19, ll. 11-21] where an information alert list a schedule of programming events including an indication of categories or keywords matched and the channel number or identifier required to view the program); storing preference information by category information (see [abstract], [col. 23, ll. 1-4], [col. 23 line 66 through col. 24 line 5], [col. 24, ll. 53-57]);

determining category and other identifying information of trigger information (see [col. 29, ll. 31-40], [col. 31, ll. 10-17] for identifying the categories of upcoming program triggers).

At the time the invention was made it would have been obvious, to one of ordinary skill in the art, to use category, keyword, and identification information, as taught in Dudkiewicz, to target advertisements to users by means of video, as taught in Hendricks, because the use of categories and other identifying information more accurately represents the monitored viewing habits and preferences of the user which can include programming events involving other types of media such as advertisements (see [col. 3, ll. 34-44], [col. 3, ll. 51-53], [col. 31, ll. 10-17]).

Regarding claims 7 and 13: Hendricks does not explicitly teach selecting said address of said targeted information using said category information of said preferred information, and said category and identification information of said list of addresses and said trigger.

Dudkiewicz teaches selecting an address, by recommending for transmission or automatically transmitting, using category information and other identifying information from a schedule of programming events based on information derived from the program trigger category and other identifying information embedded into the program data (see [col. 1, ll. 36-38], [col. 4, ll. 9-16], [col. 19, ll. 11-21], [col. 29, ll. 33-40], [col. 31, ll. 10-17]).

At the time the invention was made it would have been obvious, to one of ordinary skill in the art, to use category, keyword, and identification information, as taught in Dudkiewicz, to target advertisements to users by means of video, as taught in Hendricks, because the use of categories and other identifying information more accurately represents the monitored viewing habits and preferences of the user which can include programming events involving other types of media such as advertisements (see [col. 3, ll. 34-44], [col. 3, ll. 51-53], [col. 31, ll. 10-17]).

Regarding claim 27: Hendricks does not disclose: classifying said preferred information and triggers by key words; selecting addresses from said triggers by comparing key words of said preferred information and said triggers.

Dudkiewicz teaches classifying preferred information and triggers by keywords (see [abstract], [col. 3, ll. 34-44], [col. 4, ll. 5-16]); and selecting by recommending for transmission or automatically transmitting program events listed with addresses in the form of a channel number or identifier, by comparing for the purpose of matching keywords of preferred information and triggers embedded in the program events (see [col. 19, ll. 11-21], [col. 23, ll. 1-17], [col. 23 line 63 through col. 24 line 5], [col. 29, ll. 33-40]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use keywords as a means of selecting matching criteria, as taught in Dudkiewicz, to target advertisements by means of video, as taught in Hendricks, because the use of keywords, when facilitated by pre-existing

categories, would simplify achieving the objective of targeting advertising by providing the categories as a basis for a keyword search (see [col. 1, ll. 36-38], [col. 3, ll. 34-44], [col. 4, ll. 5-16]).

4. Claims 9, 10, 15, 19 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. in view of Broadwin et al. (U.S. Patent No. 5,929,850).

Regarding claims 9, 15 and 29: Hendricks does not explicitly teach wherein said combining further comprises generating an interactive page from said targeted information.

Broadwin teaches generating interactive pages for use on a television display (see [col. 3, ll. 24-27], [col. 4, ll. 1-5], [col. 5, ll. 21-23]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the interactivity of web like functionality, as taught in Broadwin, with targeted advertising, as taught in Hendricks, because by adding the interactivity users may view and make selections to purchase products or receive additional information thereby enhancing the effectiveness of advertisement targeting (see [col. 1 line 59 through col. 2 line 8]).

Regarding claims 10 and 30: Hendricks does not explicitly teach wherein said step of combining, as stated in claim 9 and 29, further comprises combining said interactive page with said video signal.

Broadwin teaches combining said interactive page with said video signal (see [col. 5, ll. 21-33]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the interactivity of web like functionality, as taught in Broadwin, with targeted advertising, as taught in Hendricks, because by adding the interactivity users may view and make selections to purchase products or receive additional information thereby enhancing the effectiveness of advertisement targeting (see [col. 1 line 59 through col. 2 line 8]).

Regarding claim 19: Hendricks discloses providing access to websites via the internet but does not explicitly teach combining the websites (HTML pages) with a video signal.

Broadwin teaches a combiner that combines internet pages with a video signal (see [abstract], [col. 1, ll. 13-16], [col. 18, ll. 48-51], [col. 6, ll. 18-23], [col. 15, ll. 21-25]).

At the time the invention was made it would have been obvious, to one of ordinary skill in the art, to combine the HTML pages with a video signal, as taught in Broadwin, to enhance the selection targeted commercials, as taught in Hendricks, because by allowing the integration of the HTML pages from the internet would improve the interactivity of the television system and provide on-demand web-like capabilities for displaying requested media (see [col. 2, ll. 16-22]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2423

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423